

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

JENNIFER PELLOW as Personal
Representative of the Estate of
NATHAN WESLEY PELLOW,

Plaintiff,

v.

Case No: 15-11765

Hon. Terrance G. Berg
Magistrate R. Steven Whalen

KEVIN BARNHILL, SHANE MCKIBBEN,
ROBERT ROY, JOHN ADAMS, and
DALE VAN HORN, Jointly and Severally,

Defendants.

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MOTION TO FILE BRIEF IN EXCESS PAGES

NOW COMES PLAINTIFF, JENNIFER PELLOW as personal representative of NATHAN WESLEY PELLOW, deceased, by her undersigned counsel, and for her motion states as follows:

1. This is an action brought under 42 USC 1983 following the death of Nathan Pellow, who died as a result of excessive force used after he had been arrested and restrained on August 30, 2013.
2. Defendants, all of whom asserted their *Fifth Amendment* privilege rather than give deposition testimony, nonetheless have filed a motion for summary disposition and claim qualified immunity from suit.
3. The court has ordered plaintiff's response to this motion be served on or before January 9, 2017.
4. Defendants' motion argues in essence that the evidence proffered by plaintiff is contradicted by the record and incapable of belief by a rational jury.
5. Given the intricate factual issues, and despite her best efforts to streamline her response, Plaintiff requires more than 25 pages in 14-point font as permitted by the Local Rules to address the legal and factual deficiencies in Defendants' motion. Accordingly, Plaintiff requests an additional ten pages for her brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant her motion and allow her to file her Brief in Response to Defendants' Motion for Summary Disposition in excess of the 25 page limit.

Respectfully submitted,

/s/ Ben M. Gonek

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/s/ Joel B. Sklar

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Dated: January 9, 2017

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BRIEF IN SUPPORT OF MOTION IN EXCESS PAGES

Plaintiff hereby relies on the Federal Rules of Civil Procedure in support of
her motion.

Respectfully submitted,

/s/ Ben M. Gonek

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Dated: January 9, 2017